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Attorneys for Plaintiff Joseph Marchal

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JOSEPH MARCHAL, derivatively on behalf of
Nominal Defendant ELDAN VEGAS HOT,
LLC, a Nevada limited liability company;

Plaintiff,

v.

JSR Wellness LLC, a Nevada limited liability
company; Kekoanui Quipotla, a Nevada
resident; Jessica Hood, a Nevada resident; and
Caitlin Perry, a Nevada resident;

Defendants.

And ELDAN VEGAS HOT, LLC, a Nevada
limited liability company,

Nominal Defendant.

No. 2:21-cv-01770-GMN-NJK

**STIPULATION TO EXTEND
DEADLINE FOR PLAINTIFF TO
AMEND THE COMPLAINT**

(First Request)

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and L.R. IA 6-1, Joseph Marchal, derivatively on
behalf of Eldan Vegas Hot, LLC (“Plaintiff”), by and through his undersigned counsel, and
Defendants, JSR Wellness LLC (“JSR”), Kekoanui Quipotla (“Quipotla”), Jessica Hood (“Hood”),

1 and Caitlin Perry (“Perry”) (collectively, the “Defendants”, and together with Plaintiff, the
2 “Parties”), hereby stipulate to extend the deadline to amend the Complaint until January 7, 2022
3 and the deadline to Answer the complaint until January 28, 2022.

4 The Parties seek this extension in good faith and not for the purposes of undue delay.
5 Because the Parties are requesting an extension after the 21-day safe harbor has expired, they also
6 warrant that excusable neglect exists for this delay. Plaintiff discovered during settlement
7 discussions that another party has been using the infringing trademark and trade secret materials.
8 Plaintiff now needs to adjust the claims asserted against JSR Wellness and add another defendant
9 to the pleadings. This information was not discovered until after the 21-day window; thus, it would
10 have been impossible for Plaintiff to amend the Complaint accurately before the settlement
11 discussion. Good cause also exists for this extension because the Parties have been working
12 together to establish deadlines and establish potential claims for settlement. These scheduling
13 changes will not unduly delay resolution of this litigation.

14 The procedural posture of this case is as follows:

15 WHEREAS, on September 24, 2021, Plaintiff commenced this action by filing a Verified
16 Derivative Complaint (Jury Trial Demanded) against the Defendants;

17 WHEREAS, on September 27, 2021, Summonses were issued to all the Defendants;

18 WHEREAS, on October 21, 2021, Defendant Quipotla was served with a Summons and the
19 Complaint;

20 WHEREAS, on November 1, 2021, Defendant Perry was served with a Summons and the
21 Complaint;

22 WHEREAS, on November 3, 2021, Defendant Hood was served with a Summons and the
23 Complaint;

24 WHEREAS, on November 3, 2021, Defendant JSR was served with a Summons and the
25 Complaint;

26 WHEREAS, the Parties agreed, and the Court consented, to extend the deadline for all the
27 Defendants to answer or otherwise respond to the Complaint to December 9, 2021;
28

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WHEREAS, the Plaintiff requests to extend the deadline to amend the Complaint and extend the deadline for Defendants to answer the Complaint;

NOW, THEREFORE, the Parties agree and stipulate that, subject to the Court's approval, the deadline for Plaintiff to amend the Complaint shall be January 7, 2022, and the deadline all Defendants to answer or otherwise respond to the Complaint shall be January 28, 2022.

DATED this 14th day of December 2021.

DATED this _____ day of December 2021.

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JSR WELLNESS, LLC

/s/ Charles E. Gianelloni
Blakeley E. Griffith (NV Bar No. 12386)
Charles E. Gianelloni (NV Bar No. 12747)
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Las Vegas, Nevada 89169
Phone: (702) 784-5200
Fax: (702) 784-5252

By: _____

Its: _____

Attorneys for Plaintiff Joseph Marchal

DATED this _____ day of December 2021.

Kekoanui Quipotla

DATED this _____ day of December 2021.

Jessica Hood

DATED this _____ day of December 2021.

Caitlin Perry

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WHEREAS, the Plaintiff requests to extend the deadline to amend the Complaint and extend the deadline for Defendants to answer the Complaint;

NOW, THEREFORE, the Parties agree and stipulate that, subject to the Court's approval, the deadline for Plaintiff to amend the Complaint shall be January 7, 2022, and the deadline all Defendants to answer or otherwise respond to the Complaint shall be January 28, 2022.

DATED this _____ day of December 2021.

DATED this _____ day of December 2021.

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JSR WELLNESS, LLC

By: _____

Its: _____

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DATED this 13 day of December 2021.

Attorneys for Plaintiff Joseph Marchal

Kekoanui Quipotla

DATED this 13 day of December 2021.

Jessica Hood

DATED this 13 day of December 2021.

Carlin Perry

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ORDER

The Court having considered the foregoing joint motion by the Parties, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff has until January 7, 2022 to amend the original Complaint, and that all Defendants shall have until January 28, 2022 to answer or otherwise respond to Plaintiff's Complaint.

DATED December 15, 2021



United States Magistrate Judge

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